

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **June J Hauser Trust v Flint Historic District Commission**
Docket No. **279383**
L.C. No. **06-085217-AA**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the June 25, 2007 order, which stems from an appeal to the circuit court from a tribunal, is not an order that is appealable as a matter of right. MCR 7.203(A)(1)(a). Pursuant to *People v Mehall*, 454 Mich 1 (1997) the Court of Appeals has the responsibility to look past the labeling in the complaint filed in circuit court and the subsequent order and to determine exactly what was filed in the circuit court. As MCL 399.211 makes clear to contest a decision of the Historic District Commission it must be done by an appeal to circuit court. The decision of the circuit court then falls within MCR 7.203(A)(1)(a). As a result, appellant may only challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 30 2007

Date

Sandra Schultz Mengel
Chief Clerk